

## **Alienation of Land in Urban Areas Procedure, Methods, Problems**

Yu. Piskovsky  
Architect

Head of Architecture and Urban Development Division  
Ministry of Construction and Architecture

Of all human urges to  
endeavor the strongest is  
to construct . . .

(August Perret)

To construct . . . in what way, for whom, how much and where? It is not sufficient to  
have an ambition, a need after all, the most important is to have financial means  
(investments) and land!

To urban land belonging is the land to be found within city or township bounds which  
include the land allotted for habitation, general usage and agricultural usage, and other  
land, occupied by city woods, railway, water, air and pipeline, transportation networks,  
mining industry, etc.

Boundaries of the population center referred to as a town, are determined by drawing  
the outer boundary of the town, township which would separate this land from other  
land of unified state land fund. The boundary of the city or township is drawn on the  
basis of Master Plan of the city, township. At the same time city boundary is the border  
of the city as an administrative and territorial unit.

All land within city bounds is subordinate to city, township Rada of people's deputies.

Land parcels for housing, industrial and other types of capital construction are allotted to state enterprises, organizations and entities as also housing cooperatives and individuals for private housing construction in conformity with the Master Plan of the city and on approval by city executive committee of people's deputies' Rada.

City Master plans make up the basis for urban land usage along with detailed designing projects for housing development, as also the schemes for straightening out the existing habitation areas in industrial districts of the cities, schemes of Master Plan's industrial units and projects for industrial zones planning.

Alienation of land parcels for every type of construction is allotted in strict conformity with zone functioning of the territory as follows **seligebnaya** -- for residential areas, social centers (such as administrative, scientific, educational, medical and sports, etc.), greenery plantations of general use; industrial area—for construction of industrial enterprises and associated objects; communal and storing area—for locating warehouses, garages, street car, trolley-bus and auto bus stations, etc.; outer transport—for construction sites for transportation vehicles and structures (passenger and cargo stations, ports, river wharves, etc.).

Chief architect of the city, district architect will check not less than once a year, the scope of construction in the area as per operational schedule of allotment the land

parcels for construction. In case the construction has not begun during two years the feasibility will be considered whether or not the builder of a private house will retain this land parcel or whether construction will be effected according to the architectural and planning assignment (APA). As the case may be, the proposal can be suggested to the executive committee of city (township) Rada of people's deputies to either cancel previous decision to allot the parcel to this builder of a private house, or to propose a modified APA.

What is actually the procedure for alienation of land parcels for housing, civil, communal, and industrial construction in cities? What should be done, what documents should be prepared, where to apply to: these and other questions bother our builders of private houses.

So there appears a necessity to build!

To live means to construct. Experience is passed from generation to generation.

Life is going on. It poses new, ever more complicated and urgent tasks. Before a building or a town comes into being, social foundation or initial prerequisite of man's construction activity appears. Time and society are the utmost customers. Architecture and civil engineering directly respond to any economic upheavals in the country. A mistake, miscalculation or slowing down means money spent in vain.

The builder of a private house has to evaluate all the circumstances, to forecast social effect, besides he needs financial means and substantial means at that.

The procedure of land alienation is established as follows:

- an application on land parcel alienation for construction of an object (housing, social, industrial), or complex as also for expansion, adding up and building up separate buildings and objects irrespective whether or not additional land needs to be alienated, is submitted to the executive committee of Rada of people's deputies.

Attached to the application will be: a brief characteristics of every object, liable for construction; preliminary technical and economic indices; materials of tentative evaluation of place for object location and approximate dimensions of the site; a wording from the decision of the respective competent organ authorizing the construction of this object, specifying means allotted for construction and project and designing jobs; projected assignment for designing, confirmed in routine order; a copy of Master Plan for object development specifying the priority in construction.

Following the instructions from executive committee of city, township Rada of people's deputies, the district architect on the basis of Master plan and project detailed elaboration, jointly prepares together with other services of the executive committee the proposal on conducting a feasibility study for constructing the object or complex of objects in question.

In case this particular parcel is designed for the development (renovation) of the existing enterprise, a check-up is appointed to verify the possibility of carrying out the construction, which is proposed, within the site bounds of the same enterprise and a certificate is drawn up irrespective of the conclusions of this check-up. For all that, conditions are tentatively examined for incorporating the object which is proposed into city engineering and transportation networks as also whether the requirements the city supervisory organs will met.

Given the consent of the builder of a private house to the conditions of the object location, chief city architect will prepare a draft solution of the executive committee of city or township Rada of people's deputies on authorizing the allotment of the land parcel. Attached to the solution will be a copy of **PDP ??????** of the respective district specifying approximate boundaries of parcel.

A decision on alienation of land parcel is adopted after approving the project in a routine way with due respect to technical conditions and requirements listed in the decision of city executive committee on conducting a feasibility study and architectural and projecting appointment, issued by chief architect of the city (region) authorizing the design. By way of preparation of the decision on alienation of the parcel the builder of a private house will submit graphical and language parts of the approved project and a copy of decision by organ which had approved it.

The decision of executive committee will specify the parcel square and major

requirements to the builder as to his split (share) involvement in the development of engineering equipping, urban development and greenery plantation of the territory as also in pulling down of existing housing and compensation due to house owners. For house construction such data should also be specified in the project as number of stories, built-in and added-to premises as per **PdP** as well as total square of the building and characteristics of apartments from the viewpoint of demography complying with the requirements of city, district executive committee.

On the basis of the decision on a feasibility study for constructing one or another object or a group of objects (complex) the city chief architect prepares and issues during 10 days after filling out all necessary documents, an architectural and projecting appointment authorizing the designing.

Architectural and projecting appointment along with architectural and urban development requirements will include technical conditions for construction, sanitary and fire protection requirements and conditions of connecting to the engineering networks, which were obtained from state supervisory organs and services in charge of maintaining engineering, communal and other networks as also requirements listed in city executive committee decision for objects of municipal significance. Necessary coordination, in part, in relation to laying down underground communications and connecting to engineering networks will be done on drawings.

In order to change the dimensions of the parcel (enlarging or decreasing) the builder of

a private house will submit to the chief architect of city or district a sketch of construction substantiating the change which is proposed. City chief architect will submit his decision on this issue to the city executive committee.

Alienation of land parcel on location is carried out in strict accordance with the decision of city Rada of people's deputies executive committee and will be supported by a respective Act.

Passport authorizing construction will be issued for the builder of a private house to be signed by chief architect of the city, region or district consisting of the following documents:

- a copy of the builder's application on alienation of land parcel;
- a copy of characteristics of objects (complex of) which are proposed for construction;
- conclusion of chief architect of city (region), district architect on a land parcel selection;
- decision of executive committee of district, city, township Rada of people's deputies allotting land parcel;

- architectural and projecting appointment for designing;
- decision of executive committee of respective Rada of people's deputies on conducting a feasibility study;
- drawing of a land parcel, scale 1:2000 (a copy of PDP?, basis plan), issued for conducting a feasibility study;
- plan of land parcel with a sketch of location (in size) of projected buildings and other objects connected with the existing situation, temporary fencing, red lines of construction and red marks;
- scheme of direction of projected engineering networks;
- Act of alienation of a land parcel;
- decision of regional executive committee of Rada of people's deputies for removing greenery plantation;
- Act of acceptance of greenery plantation by the builder which is liable for preservation.

Passport for construction is issued in three copies of which one is kept in the archives



of city chief architect or district architect; others remaining with builder of a private house.

For the parcels allotted to state, cooperative, public organizations and entities for construction industrial objects, warehouses and other objects requiring isolated location in cities, the executive committee of city Rada of people's deputies will issue a State Act on the right to land usage.

All the jobs connected with selection and alienation of a land parcel, preparation and issuing architectural and projecting appointment, red lines of construction, preparation of materials for considering the issue of allotment the land parcel, as also bringing parcel boundaries on location and detalization will be done by architectural bodies. Every land parcel which is proposed for alimentation will be provided with a separate file in which in chronological order all documents are kept relating to alienation and compiling construction passport as well as originals of documents on which basis architectural and projecting appointment has been elaborated and passport forms are filled out.

For the purpose of accounting the land stock all the approved and brought on location parcels are outlined on temporary operation plan, which are shown on lithographic galleys of city topographical plan in scale 1:2000 or 1:5000.

Land parcels for individual houses construction are allotted to citizens from the land of

city, township habitation area for limitless term of usage by the decision of city, township Rada of people's deputies. These parcels are allotted only within boundaries of residential areas, quarters designated by Master Plan for individual construction and also on the basis of tentatively elaborated projects of detailed planning, projects of planning, house construction and urban development of districts of individual construction and project proposals on construction of engineering equipping and development of the above territories following the approval by executive committee of Rada of people's deputies.

The parcels are allotted by local organs dealing with civil engineering and architecture on the basis of decision of executive committee of city Rada of people's deputies on allotment of land parcel for individual housing construction.

Citizens who are in need of housing and are willing to construct a house of their own will apply to the executive committee of respective Rada of people's deputies asking for a parcel to be allotted for their individual construction.

Application and necessary documents will be registered in a special book. The procedure for receiving the application, registration and accounting as also the manner in which the case will be reported to the managing executives of the executive committee is set up by the executive committee of the respective Rada of people's deputies. In accordance with the decision of executive committee of city or township Rada of people's deputies the chief architect of city or district architect alienates the

parcel on location by fixing its boundaries, as also determines the house lay out on the parcel and transfers the above to the builder of a private house as per Act. The Act is compiled in three copies of which one copy is entrusted to the land user, another one is included into materials on parcel alienation which are kept in the office of chief architect of the city or district architect and still another one is sent to the city or township Rada of people's deputies.

The right to land usage of the citizens is confirmed by a respective entry into the register of the executive committee of city Rada of people's deputies.

Simultaneously, the chief architect of the city, or district architect issues the plan for parcel development in scale 1:5000 indicating red lines of construction, conditions for improvement of the parcel, planting greenery as also typical or individual project of the house. Besides, the builder will receive the project for fencing the parcel from the side of the street as well as four copies of agreement which he signs with the executive committee of respective Rada of people's deputies for parcel development. The development plan and project of the house will be signed by city chief architect or district architect on behalf of the office they manage.

One can commence developing of the parcel only after concluding the agreement for parcel development and certifying the same in notary office. Any construction jobs can only be started on obtaining the permission from architectural authorities.

Commissioning and putting into operation the constructed living houses and other structures, provided by the project as also renovation of the houses will be carried out by state commissions which are appointed by local organs of power.

Therefore, the following model of alienation of a land parcel for construction has been set up:

- an application from the enterprise, organization (citizen) for any type of construction is submitted to the Rada of people's deputies (i.e. Mayor's office, Executive committee);
- an appointment by the Rada to Architectural department for preparation the proposal based on Master Plan and other projects;
- Chief Architectural Department (CAD) will request a feasibility study (appoints an elaboration sketch project) and an approval by territorial designing institution);
- customer receives (assisted by CAD) technical conditions from engineering services of the city. Then Project is ordered at the designing institution;
- location of construction object and the Project are negotiated and approved (City Development Council);

- preparation of Chief Architectural Department decision;
- permission for making the project, alienation of land parcel, elaboration of alienation project;
- coordination of the alienation project (with the landowners);
- approval of the alienation project by the Rada (Mayor's office, Executive Committee), address and size of the parcel will be specified;
- parcel boundaries are brought on location;
- State Act on land ownership (usage) is issued;
- obtaining State Architectural and Construction Control Commission permission for construction;
- construction proper;
- acceptance of the object by State commission;
- transfer of data into statistical organs.

This system is tough, involving many administrative and vocational structures. The process of alienation is made still more complicated due to absence of efficient cadaster model and technical equipping. Privatization of land (in various forms) will facilitate reorganization of the existing system, logical and timely decision-making as regards alienation of land for all kinds of construction as the main form of real estate and social protection.

Property is such material space, which provides guarantees to the individual of his right to live and to continue his stock as also the right to spiritual life. It is imperative to consider the best analogies in the world. People have always been stirred, are still being stirred and will ever be stirred by the issue of whom such unreplenishable values of Nature should belong to, as: natural deposits, land, atmosphere, rivers, etc. Within the bounds of national territories this issue should be solved by the citizens of this particular nation.

Any material property acquires social significance exclusively under market conditions and only then, when it assumes certain consumer's value, i.e. it presents itself as a commodity. Non-market national property is always none's which leads to ruining of Nature. If social consciousness will not take the upper hand no positive outcomes can be forecasted. In Nature everything exists and represents worth of itself through a necessity which is in fact a consequence of actions of certain objective laws.